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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,511	07/31/2001	Leslie L. Deck	09712-116001	2774

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EXAMINER

LEE, SHUN K

ART UNIT

PAPER NUMBER

2878

DATE MAILED: 07/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/919,511

Examiner

Shun Lee

Applicant(s)

DECK, LESLIE L.

Art Unit

2878

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  
2. ☐ The proposed amendment(s) will not be entered because:  
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ they raise the issue of new matter (see Note below);  
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: 17-26 and 29.Claim(s) rejected: 1-16, 27, 28, 30-32 and 39.

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.  
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.  
10. ☐ Other: \_\_\_\_\_



CONSTANTINE HANNAHER  
PRIMARY EXAMINER  
GROUP ART UNIT 2878

Continuation of 5. does NOT place the application in condition for allowance because: applicant argues that the phase (Eq. 7) of Suematsu is different than the "phase" as recited in claim 1. Examiner respectfully disagrees. First it should be noted that claim 1 recites the limitation "tuning the frequency of the optical wave front over a range of frequencies". Thus, the phase (as defined in Eq. 1 on pg. 11 of the specification) is a function of time since the frequency ( $\nu$  in Eq. 1) changes as a function of time when frequency tuning. Further, the time dependence of phase (Eq. 7) of Suematsu is also due to frequency changes over time when frequency tuning. Applicant also argues that Suematsu disregards the phase of the frequency transform since Suematsu is interested in some instantaneous frequency that eliminates the offset phase. Examiner respectfully disagrees. First in regard to applicant's arguments concerning the instantaneous frequency, it should be noted that Eqs. 16-21 (i.e., instantaneous frequency) are to be used when applying a reference technique. As noted by applicant, claim 1 recites the limitation "extracting the phase of the frequency transform". However, the claims fail to specify how the phase is extracted from the frequency transform. Also as noted by applicant, Suematsu compute the inverse Fourier transform to obtain Eq. 14. However, Suematsu also teach that the phase is determined by taking the complex logarithm (see Eq. 15 and discussion between Eqs. 15 and 16). Thus it is clear that Suematsu disclose "extracting the phase of the frequency transform" using Eqs. 14 and 15.